

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CARL ANDRE MOORE, #234274, et al.,
Plaintiffs,

v.

CHARLES S. COODY, UNITED STATES MAGISTRATE;
BOB RILEY, et al.,
Defendants.

CIVIL ACTION NO. 2:05-CV-669-F

WRIT OF MANDAMUS

Comes now the Plaintiff Joe Ranger Pickett, Pro Se in the above
Class Civil Action hereby file this Writ of Mandamus pursuant to Rule
21 of the Federal Rules Appellate Procedure to be directed to United
States Magistrate Charles S. Coody, for illegally intercepting Plaintiff's
Class Civil Action and issuing a declaratory order dated July 26, 2005,
without jurisdiction to do so absent Magistrate consent form in vio-
lation of 28 U.S.C.S § 636 (B) and (c) of the United States Code Service
and United States Legislature intent. Plaintiff further contend
that United States Magistrate Coody's July 26, 2005 order violated
Plaintiff's First, Fourth and Fourteenth Amendment Rights of the
United States Constitution pursuant to access to the Courts, illegal
Seizure and Equal Protection.

PROCEDURAL HISTORY

On or about July 21, 2005, Plaintiff and 116 other Plaintiffs filed a class Civil Action into United States District Court for the Middle District of Alabama with undisputed claims of overcrowding, lack of security, health hazard and punitive Segregation pursuant to 42 USC § 1983 with a judicial notice informing the District that the defendants does not provide forme pauperis forms for Plaintiffs and requested that the District Court issue an order directing the defendants to do so.

On July 26, 2005, United States Magistrate Charles S. Coody issued orders without the magistrate consent form that each individual plaintiff to pay the full amount of the required filing fee, and that multiple prisoners are not entitled to enjoin their claims in a single cause of action. Id. Accordingly, the Clerk of this Court is hereby DIRECTED TO:

1. Limit the instant cause of action to the first plaintiff listed in the complaint.
2. Strike all other inmates as plaintiffs.
3. Provide inmate Moore with a copy of the form affidavit used by persons seeking to proceed in forma pauperis before this Court.

ISSUE FOR REVIEW

WHETHER OR NOT UNITED STATES MAGISTRATE CHARLES S COODY PRIOR TO THE MAGISTRATE CONSENT FORM PROCESS HAS JURISDICTION TO ISSUE THE JULY 26, 2005 DECLARATORY ORDER LIMITING PLAINTIFFS CL-

ASS CIVIL ACTION TO LAYMAN OF THE LAW PLAINTIFF
CARL ANDRE MOORE ? NO !

Plaintiff argue that Magistrate Coody's declaratory order issued July 26, 2005, was in fact prematurely issued prior to the Magistrate Consent Form process pursuant to 28 USC §§ 636 (B) and (C) and Legislature intent, and violated all Plaintiff's access to the Courts to have a de novo determination by an Article III Judge of the United States District Court whose decisions are appealable to the Appeals Court pursuant to 28 USC § 1291, and 28 USC § 636 is not which is why the magistrate Consent Form issue is so relevant. Plaintiff contend that all Plaintiff's have a Fourteenth Amendment right of Equal Protection just as Plaintiff's at TuTwiler Correctional Center who is under the custody, care and control by one and the ^{some} Defendants Bob Riley, et al., and Plaintiff along with other Plaintiff's in their relief respectfully requested to have their class protected as a whole pursuant to Rule 23 Federal Rules Civil Procedure, and requested for a Article III Judge to adjudicate Plaintiff's class Civil Action.

CONCLUSION

WHEREFORE, in light of the above Plaintiff respectfully move the district Court to strike from the record U.S. Magistrate's premature order dated July 26, 2005, and that Plaintiff's relief to undisputed claims be granted as entitlement pursuant to Rule 56 (c) Fed. R. Civ. Proc., and not excluding to protect Plaintiff and other Plaintiff's interest as a whole.

ole pursuant to Rule 23. Federal Rule Civil Procedure, and that
all Plaintiffs Eighth and Fourteenth Amendment Rights of the
United States Constitution be upheld as Plaintiffs in the Tutwiler
Correctional Center class action is being upheld in order
to satisfy Equal Protection govern by the Fourteenth
Amendment of the United States Constitution. In case
of a denial Plaintiff in good faith request to take
in forma pauperis an interlocutory appeal to the Court
of Appeals Eleventh Circuit pursuant to 28 USCS § 1291 (2),
move to stay pending until conclusion of interlocutory appeal.

DONE this 1st day of August 2005.

Respectfully Submitted,
Joe Ranger Pickett, #128361
Joe Ranger Pickett, Plaintiff
P.O. Box 150
Mt. Meigs, AL 36057-0150

VERIFICATION

I hereby verify this 1st day of August 2005, under penalty of perjury that
the information contained herein is true and correct.

CERTIFICATE OF SERVICE

I hereby certify this 1st day of August 2005, that I have served a true and
correct copy of Mandamus upon U.S. magistrate Charles S. Coody & Office of the Clerk
and all defendants by U.S. mail postage prepaid.

Joe Ranger Pickett, Plaintiff

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